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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

FEB 19 2009

DOCKETED BY

IN THE MATTER OF THE FORMAL  
COMPLAINT OF MARSHALL MAGRUDER  
FILED WITH THE ARIZONA CORPORATION  
COMMISSION ON DECEMBER 5, 2008.

DOCKET NO. E-04204A-08-0589

PROCEDURAL ORDER

BY THE COMMISSION:

On December 5, 2008, Marshall Magruder filed a Formal Complaint with the Arizona Corporation Commission ("Commission") against UNS Electric, Inc. ("UNSE"), in which he alleged that UNSE failed to comply with provisions of Decision Nos. 70360, 61793 and 62011.

On December 29, 2008, UNSE filed a Response to Mr. Magruder's Complaint.

On January 6, 2009, Mr. Magruder filed a Reply.

On February 17, 2009, Mr. Magruder filed a Motion for Prehearing Conference.

The issues raised in Mr. Magruder's Complaint were raised in UNSE's last rate case, which resulted in Decision No. 70360 (May 27, 2008). In Decision No. 70360, the Commission ordered UNSE to file a written response to the issues Mr. Magruder raised concerning pole and underground cable replacements and notification procedures for lifeline customers and to meet with Mr. Magruder concerning his concerns about student loans and scholarships. These issues form the basis of Mr. Magruder's Complaint. It appears that UNSE complied with these requirements of Decision No. 70360, and that further actions concerning these issues should be addressed in the context of compliance with Decision No. 70360. In addition, the Commission Utilities Division Staff's ("Staff") expertise concerning the 1999 Nogales/Citizens Settlement, as well as the issues raised in the last rate case would likely benefit the resolution of the continuing dispute, and Staff's presence at

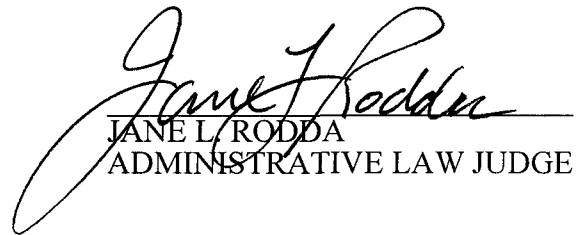
the Procedural Conference is requested.

IT IS THEREFORE ORDERED that a **Procedural Conference** for the purpose of establishing guidelines for the resolution of these disputes, including whether it should be addressed as compliance to Decision No. 70360, shall commence on **March 2, 2009, at 11:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, **Room 222, 400 W. Congress Street, Tucson, Arizona.**

IT IS FURTHER ORDERED that **Staff shall appear at the Procedural Conference.**

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 18<sup>th</sup> day of February, 2009.

  
JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed this 18<sup>th</sup> day of February, 2009 to:

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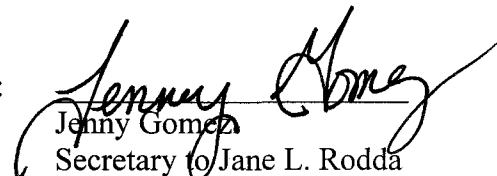
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By:

  
Jenny Gomez  
Secretary to Jane L. Rodda